

Tuesday, March 08, 2016

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

**PRESENT:** Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Lynn Compton

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON LYNN COMPTON.**

**Consent Agenda – Review and Approval:**

**1 – 22.**This is the time set for consideration of the Consent Agenda.

**Chairperson Compton:** opens the floor to public comment.

The action taken for Consent Agenda items 1 through 22 on the following vote is indicated for each item.

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Consent Agenda - Administrative Office Items:**

1. Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to appoint Linda Ennen and Tim Hayden to the Cambria Local Area Advisory Board. District 2.

**The Board approves as recommended by the County Administrative Officer.**

2. Thirty-day update on current drought conditions and related management actions for the Board’s review of the continuing need for the March 11, 2014 proclamation of local emergency pursuant to Government Code section 8630. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Assessor Items:**

3. Request to approve a FY 2015-16 Imaging Services Agreement with BMI Imaging Services in the amount of \$94,455 for the imaging of annotated archival recorded deed documents in the Assessor’s Office. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:**

4. Submittal of a follow-up cash procedures and internal control review of the Sheriff-Coroner’s Office conducted on January 6, 2016. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

5. Submittal of Brown Armstrong, CPAs Independent Auditor's Report on the County Treasury's cash balance and accountability as of October 30, 2016. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Board of Supervisors Items:**

6. Request to approve an agreement with the Paso Robles Rec Foundation as fiscal agent for the Centennial Pool and Park Fundraising Committee allocating \$2,200 from District One and Two Community Project Funds – Fund Center #106 to be used for expenses associated with the "Everybody in the Pool" fundraiser on April 30, 2016. Districts 1 and 2.

**The Board approves as recommended by the County Administrative Officer.**

7. Submittal of a resolution designating Tuesday, February 23, 2016 as "World Spay Day". All Districts.

**Chairperson Compton:** reads the resolution.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-57, adopted.**

8. Submittal of a resolution honoring Sharon Ross as the 2015 Roblan of the Year. District 1.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-58, adopted.**

**Consent Agenda - Clerk-Recorder Items:**

9. Submittal of a resolution repealing county departmental and certain local boards' and commissions' existing conflict of interest codes and adopting a single County Conflict of Interest Code applicable to all county departments, local boards and commissions. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-59, adopted.**

**Consent Agenda - Health Agency Items:**

10. Submittal of a resolution amending the Position Allocation List for Fund Center 160 - Public Health by deleting a 1.0 FTE Patient Services Representative and adding a 1.0 FTE Supervising Administrative Clerk I to more effectively operate the Children's Medical Services Program. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-60, adopted.**

11. Request to approve a 10 year renewal contract with the City of San Luis Obispo to reimburse the Public Health Department, Environmental Health Services Division to provide cross connection inspection services for FY 2015-16 through FY 2025-26. Districts 3 and 5.

**The Board approves as recommended by the County Administrative Officer.**

12. Request to approve (1) a renewal agreement (Clerk's File) with the State Water Resources Control Board for FY 2015-16 in the amount not to exceed \$125,000 to continue the beach monitoring program and (2) a resolution authorizing the Health Officer as the official representative to sign the renewal agreement and future amendments. All Districts.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-61, adopted.**

**Consent Agenda - Parks & Recreation Items:**

13. Request to amend the existing concession contract with Rocky Mountain Recreation Company for the management of the Santa Margarita Lake Park marina. District 5.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

14. Submittal of a resolution establishing changes to the traffic regulation codes establishing stop intersections at the intersections of Turri Road at Los Osos Valley Road, Clark Valley Road at Los Osos Valley Road, Pine Avenue at Los Osos Valley Road, Pecho Road at Los Osos Valley Road and Rosina Drive at Pecho Road, Los Osos; and Mary Avenue at Hill Street, Hill Street at Mary Avenue and Paloma Street at La Quinta Drive, Nipomo. Districts 2 and 4.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-62, adopted.**

15. Submittal of a resolution establishing the 2016-17 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Orville Avenue Improvement Zone, Cambria. District 2.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-63, adopted.**

16. Submittal of a resolution establishing the 2016-17 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Camborne Place Road Improvement Zone, Cambria. District 2.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-64, adopted.**

17. Submittal of a resolution establishing the 2016-17 Special Tax Rate and confirming the per parcel special tax amount in County Service Area No. 21, Bradford Road Improvement Zone, Cambria. District 2.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-65, adopted.**

18. Submittal of a resolution establishing the 2016-17 Special Tax Rate and confirming the per parcel special tax amount in Nipomo Lighting District, Zone E (Tract 1700, Los Pinos Estates). District 4.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2016-66, adopted.**

**Consent Agenda - Public Works Sitting as Flood Control District:**

19. Request to approve four committee appointments to the Zone 3 Advisory Committee. Districts 3 and 4.

**The Board approves as recommended by the County Administrative Officer.**

20. Request to appoint Jeff Lee of the City of Grover Beach to the Water Resources Advisory Committee. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Social Services Items:**

21. Request to approve two appointments and one re-appointment to the Homeless Services Oversight Council (HSOC). All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Public Comment Period:**

- 22.** This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

**Mr. Tommy Gong – County Clerk-Recorder:** speaks to the status of the proposed Paso Robles Basin Water District election; and nomination deadlines for the June 6, 2016 Presidential Primary election.

**Mr. Eric Greening:** announces a local commemorative observance for the 5th anniversary of the Fukushima disaster at the Steynberg Gallery on Friday, March 11, 2016.

**Mr. Ben DiFatta:** addresses various concerns regarding a Supervisor accepting a charity donation for an affordable housing project.

**Ms. Julie Tacker:** comments on her inability to attend Los Osos Basin Management Committee meetings; and addresses concerns regarding the Committee's funding structure.

**Ms. Linde Owen:** speaks to a County issued brochure titled "Use that Tank" regarding septic tank repurposing; and comments on utilizing septic tanks as water cisterns.

**Mr. Richard Margetson:** addresses an article titled "Either way the Paso Robles Basin will be a Poster Child". **No action taken.**

**Board Business:**

- 23.** Submittal of the FY 2015-16 Second Quarter Financial Status Report. All Districts.

**Ms. Lisa Howe – Administration Office:** provides a powerpoint presentation.

**Supervisors Arnold and Chairperson Compton:** address Highway User Tax and Transportation Development Act revenue shortfalls; and the Dairy Creek Golf Course decline in revenue, with Ms. Howe, Mr. Dave Flynn - Department of Public Works, Mr. Nick Franco – Parks and Recreation Department, and Mr. Dan Buckshi - County Administrative Officer responding.

**Chairperson Compton:** opens the floor to public comment without response.

**The Board:** 1) receives, reviews, and files the FY 2015-16 Second Quarter Financial Status Report; 2) accepts gift funds in the amount of \$11,420 on behalf of FC 137 – Animal Services; 3) accepts gift funds in the amount of \$1,000 on behalf of FC 425 – Airports related to Airport Day Sponsorships; 4) accepts gift funds in the amount of \$34,780 and authorizes a budget adjustment in the amount of \$30,000 from FC 305 - Parks to FC 230- Capital Projects for the Cayucos Pier Project; 5) accepts gift funds and authorize a budget adjustment in the amount of \$65,000 for FC 230 – Capital Projects for the Creston Fire Station Solar project; 6) accepts gift funds and authorizes a budget adjustment in the amount of \$27,835.71 from the Library's gift trust fund to FC 377 – Library operating budget; 7) accepts gift funds in the amount of \$236 and authorizes a budget adjustment to move the funds from the Social Services Gift Trust Fund to the FC 180- Social Services Administrative operating budget; 8) approves a request to discharge \$3,148.45 on behalf of FC 201 - Public Works due to a local non-profit housing developer requesting all charges related to a prior owner be removed from their balance due; 9) approves a request to discharge \$38,159.97 on behalf of FC 180 - Social Services for overpayments/over-issuances in the CalWORKS, CalFresh, and General Assistance programs that have been determined to be non-collectible; 10) authorizes a budget adjustment in the amount of \$141,028 using Library Maintenance Funds to augment the Public Works Library Maintenance Project; 11) authorizes a budget adjustment in the amount of \$12,891 to transfer unanticipated revenue from the California State Library transferring to support the San Luis Obispo Literacy Council Program; 12) authorizes a budget adjustment in the amount of \$71,986 from FC 230 – Capital Projects to FC 200 – Maintenance Projects to consolidate an older Courtroom ADA Remediation project into the current Courthouse ADA Repairs project; and 13) authorizes a budget adjustment in

**the amount of \$330,610 from FC 230 – Capital Projects to FC 200 – Maintenance Projects to transfer funding from an older New Government Center project to the current Government Center Repairs project.**

**Motion by:** Frank R. Mecham  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**24.** Update on deep water well construction occurring within the Paso Robles Groundwater Basin. All Districts.

**Ms. Elizabeth Pozzebon - Environmental Health Division Manager:** provides a powerpoint presentation.

**Chairperson Compton:** opens the floor to public comment without response.

**Board Members:** address various questions regarding: the County’s authority to maintain wells, limit drilling depth and well casing sizes; cross aquifer contamination and recharging; potential for subsidence or artesian flow from declining upper level aquifers; the experience of drillers that are out of the area; and comment on residents deep drilling concerns to well water, with Ms. Pozzebon, Ms. Erica Stuckey - Deputy County Counsel, Mr. Rich Litchenfield – Department of Environmental Health responding.

**Chairperson Compton:** receives and files the update.

**25.** Receive and file a report regarding the possible implementation of an Assisted Outpatient Treatment program and submittal of a resolution declaring intent to implement the program in San Luis Obispo County, should the Board choose to effectuate the program. All Districts.

**Ms. Ann Robin - Behavioral Health Administrator:** provides a powerpoint presentation.

**Board Members:** question the program’s funding sources; matrix criteria; and potential budgetary impacts to the County and to other Mental Health Services Act programs.

**Supervisor Arnold:** addresses the funding process to move forward with the program, with Ms. Robin stating a Budget Augmentation Request (BAR) has been submitted for the program; clarifies the program can be effectuated by resolution or through the budget process; and recommends if the Board is supportive of the program, that the implementation of the program be done through the budget process, with Mr. Dan Buckshi - County Administrative Officer and Ms. Rita Neal – County Counsel responding.

**Chairperson Compton:** opens the floor to public comment without response.

**The Board proceeds with the implementation of an Assisted Outpatient Treatment program, also known as Laura’s Law, through the budget process, with direction to revisit the program in two years.**

**Motion by:** Adam Hill  
**Second by:** Lynn Compton

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Closed Session Items:**

26. The Board announces they will be going into Closed Session regarding:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: (1) Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of section 54956.9. Number of potential cases: Three; (2) Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9. Number of potential cases: Three.

CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION (Government Code section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Existing Litigation (Gov. Code, section 54956.9(a)). (Formally initiated.) (3) Steinbeck Vineyards #1, LLC, et al. v. County of San Luis Obispo, et al.;

CONFERENCE WITH LABOR NEGOTIATOR (Government Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: (4) San Luis Obispo Government Attorney’s Union (SLOGAU); (5) San Luis Obispo County Employees Association – Trades and Crafts (SLOCEA-T&C); (6) Deputy County Counsel’s Association (DCCA); (7) Sheriffs’ Management; (8) San Luis Obispo County Probation Peace Officers’ Association (SLOCPPOA); (9) Deputy Sheriff’s Association (DSA); (10) District Attorney Investigators’ Association (DAIA); (11) San Luis Obispo County Probation Managers’ Peace Officers’ Association (SLOCPMPOA); (12) San Luis Obispo County Employees Association – Public Services, Supervisors, Clerical (SLOCEA – PSSC); (13) Unrepresented Management and Confidential Employees; and (14) Association of San Luis Obispo County Deputy Sheriffs (ASLOCDs).

**Chairperson Compton:** opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

**Presentations:**

27. Submittal of a resolution proclaiming March 15, 2016 as "National Agriculture Day" and March 14-18, 2016 as "National Agriculture Week" in San Luis Obispo County. All Districts.

**Ms. Kamee Knutson – California Women for Agriculture, Local Chapter President:** speaks.

**Chairperson Compton:** opens the floor to public comment without response.

**RESOLUTION NO. 2016-67, a resolution proclaiming March 15, 2016 “National Agriculture Day” and March 14-18, 2016 as “National Agriculture Week” in San Luis Obispo County, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

**Board Business:**

28. Request to deny land owner consent for a permit application to abandon a County owned easement and establish a new easement with a County maintained trail on adjacent private property. District 3.

**Mr. Nick Franco – Department of Parks and Recreation Director:** provides a powerpoint presentation and presents and discusses an alternative recommendation from the Applicant.

**Board Members:** address trail safety; distance of the proposed trail from the existing trail; the County’s easement; prescriptive rights; trail maintenance; and highlight the two recommendations, with Mr. Franco and Ms. Rita Neal – County Counsel responding.

**Chairperson Compton:** opens the floor to public comment.

**Mr. Gary Payne (map), Mr. Terry Collins; and Mr. Rob McCarthy - Applicant:** speak.

**On motion by Chairperson Lynn Compton, seconded by Supervisor Frank R. Mecham, to approve the Applicant’s alternative recommendation, is discussed.**

**Supervisor Arnold:** presents and discusses a map from Attachment 1, Page 10 of 19 in the staff report.

**Supervisor Hill:** states he will not support the motion on the floor; states that policy conflicts still exist; that this request only benefits the property owner, not the hikers who use the trail; and has concerns removing public use of the existing trail.

**Supervisor Gibson:** addresses he will not support the motion on the floor; wants to see that vacating the trail is in the benefit of the public and that there is appropriate trail maintenance funding.

**The Board approves the Applicant’s alternative recommendation authorizing the Director of Parks and Recreation to approve land owner consent for relocation of the Cave Landing Easement to a safer location subject to satisfactorily resolving “separate utility” of the trail and long-term maintenance of the trail as identified in the staff report.**

**Motion by:** Lynn Compton  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)		x		
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)		x		
Arnold, Debbie (Board Member)	x			

**Hearings:**

29. Hearing to consider adoption of the 2015-2020 Analysis of Impediments to Fair Housing Choice / Fair Housing Plan of the County of San Luis Obispo (“Fair Housing Plan”). Hearing continued from November 3, 205. All Districts. Staff recommends continuance of this item to June 21, 2016.

**Mr. Ted Bench – Planning and Building:** amends the subject line to correct the year the hearing was continued from to read: “November 3, 2015” not “November 3, 205”. Further recommends this item be continued to June 21, 2016 to allow staff sufficient time to incorporate the comments from the Federal Department of Housing and Urban Development (HUD) into the proposed Fair Housing Plan.

**Chairperson Compton:** opens the floor to public comment without response.

**The Board continues this item to Tuesday, June 21, 2016.**

**Motion by:** Debbie Arnold  
**Second by:** Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			

Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

30. Hearing to consider a resolution to: 1) adopt the 2015 South County Circulation Study and Traffic Impact Fee Update; 2) adopt the Mitigated Negative Declaration and Initial Study; and 3) approve the extension of the payback period of the loan of funds from the Nipomo Road Improvement Area 2 account to the Nipomo Road Improvement Area 1 account. District 4.

(This item is amended, per the addendum to the agenda, by amending the subject line to correct the second action to read: 2) adopt a Mitigated Negative Declaration and Initial Study pursuant to Section 21000 et seq., of the California Public Resources Code for the California Environmental Quality Act (CEQA). All requirements of the Brown Act have been satisfied as this notice was posted prior to the 72 hour noticing requirement.)

Ms. Michelle Matson – Department of Public Works and Mr. Todd Tregenza – Omni-Means, Inc.: provide a powerpoint presentation.

Chairperson Compton: opens the floor to public comment without response.

RESOLUTION NO. 2016-68, a resolution continuing the Road Improvement Fee for all development within portions of the South County area of the County of San Luis Obispo, and adopting the required 2015 South County Circulation Study and Traffic Impact Fee Update, and adopting the required Mitigated Negative Declaration and Initial Study, and extending the loan of funds from the Nipomo Road Improvement Area 2 account to the Nipomo Road Improvement Area 1 account, adopted.

Motion by: Lynn Compton

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Arnold, Debbie (Board Member)	x			

31. Hearing to consider: 1) Presentation of the 2015 Avila Circulation Study and Traffic Impact Fee Update; 2) Adopting the resolution increasing the Road Improvement Fee in the Avila Fee Area; 3) Adopting an Addendum to the Mitigated Negative Declaration for the Avila Circulation Study (2011) pursuant to Section 21000 et seq. of the California Public Resources Code (CEQA); and 4) Direct Public Works to assist the Department of Planning and Building in the investigation of the Avila Beach Drive traffic allocation program as contained in the San Luis Area Plan. District 3. Staff recommends continuance of this item to April 19, 2016.

Mr. Dave Flynn – Department of Public Works: states the public notice was prematurely sent out and further research is necessary prior to bringing this item back.

Supervisor Mecham: questions if this will coincide with the Avila Beach Community Plan, with Mr. Flynn responding.

Chairperson Compton: opens the floor to public comment without response.

The Board continues this item to Tuesday, April 19, 2016.

Motion by: Adam Hill

Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Compton, Lynn (Chairperson)	x			
Hill, Adam (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			



Arnold, Debbie (Board Member)	x			
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On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, March 08, 2016, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

**DATED:** March 16, 2016